

Remarks

This Application has been carefully reviewed in light of the Office Action dated March 29, 2004. Applicants appreciate the Examiner's consideration of the Application. Although Applicants believe all pending claims are allowable over the prior art of record without amendment, Applicants have made clarifying amendments to Claims 1, 5, 8, 19, 23, 27, 29, and 31. Certain of these amendments are not considered narrowing or necessary for patentability. Applicants respectfully request reconsideration and allowance of all pending claims.

I. Claims 19-22 and 31 are Allowable over *Riordan*

The Examiner rejects Claims 19-22 and 31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,078,891 to Riordan, et al. ("*Riordan*"). Applicants respectfully disagree.

Riordan fails to disclose at least the following limitations recited in Claim 19, as amended:

- a class identifier (CID) that uniquely identifies at least one product class in which the product is categorized, along with a plurality of other products, within a class hierarchy of a global content directory, the product class defining one or more attributes of the products categorized in the class, ***the at least one product class being one of a plurality of product classes organized in the class hierarchy, each of the plurality of product classes categorizing a plurality of products and defining one or more attributes of the products categorized in the product class, one or more pointers being associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a commercial transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases.***

Applicants respectfully note that "[a] claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. § 2131. Stated another way, "for anticipation under 35 U.S.C. 102, the reference must teach ***every aspect*** of the claimed

invention either explicitly or impliedly.” M.P.E.P. § 706.02 (emphasis added). In addition, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131 (emphasis added) referencing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); see also *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, “[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added).

While *Riordan* discloses “a hierarchical coding scheme in which each portion of a code identifies a significant characteristic of the product,” (Column 8, Lines 7-9), nowhere does *Riordan* disclose, teach, or suggest at least the limitations set forth above and recited in Claim 1, as amended. Thus, *Riordan* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 1, as is required under the M.P.E.P. and governing Federal Circuit cases.

Furthermore, as described below with reference to the anticipation rejections based on *Rajaraman*, *Rajaraman* fails to make up for these deficiencies of *Riordan*.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 19 and its dependent claims. For at least the same reasons, Applicants respectfully request reconsideration and allowance of independent Claim 31 and its dependent claims.

II. Claims 1-13 and 19-32 are Allowable over *Rajaraman*

The Examiner rejects Claims 1-13 and 19-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,366,910 to Rajaraman, et al. ("*Rajaraman*"). Applicants respectfully disagree.

Rajaraman discloses a method and system for general purpose searching (GPS), which allow a user to search for items that best match a search criteria. (Column 2, Lines 57-60) To facilitate the searching, the GPS system groups items into a classification hierarchy. The GPS system inputs a search criteria from a user, searches for the classifications of items

that best match the search criteria, and displays those classifications in an order based on how well they match the search criteria (possibly displaying only the best matches). (Column 2, Line 65 through Column 3, Line 3) The user can then select a displayed classification to view the sub-classifications within that classification or, if that classification has no sub-classification, the items within that classification. (Column 3, Lines 4-7)

A. Claims 1-7 and 27-28 are Allowable over Rajaraman

Independent Claim 1 recites, as amended:

A global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class, each product class uniquely identified by a class identifier (CID);

one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases*; and

a search interface operable to:

communicate, in response to a selection of a product class by a user of the global content directory, *a search query for product data to the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases*; and

receive, in response to the search query, search results comprising one or more product identifiers (PIDs) that each uniquely identify a particular product in the selected product class, the CID for the selected product class and the PID for a particular product collectively providing a globally unique identifier (GUID) for the particular product.

Rajaraman, whether considered alone, in combination with *Riordin*, or in combination with the knowledge generally available to those having ordinary skill in the art at the time of invention, fails to disclose, teach, or suggest the limitations recited in Claim 1.

For example, *Rajaraman* fails to disclose, teach, or suggest "one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*" as recited in Claim 1 as amended. Figure 2 of *Rajaraman* makes clear that any product data is merely stored in *a single product database 201 associated with the system*. Nowhere does *Rajaraman* disclose a plurality of seller databases, much less that each pointer identifies a seller database in a distributed plurality of seller databases as recited in Claim 1. At best, *Rajaraman* discloses that the single product database 201 contains a department table for each department in an online store. (Column 5, Lines 65-66) The department may be considered the highest classification. (Column 5, Line 66 -Column 6, Line 1) Each department table contains one entry for each item that is available to be purchased through the department of the online store. (Column 6, Lines 1-2; *see also* Figures 3A and 3B) The tables include a field that specifies the classification of each item within the classification hierarchy and other fields that describe each item. (Column 6, Lines 4-10) One of these fields may be a provider field. (Column 6, Lines 10-11) Thus, the items of *Rajaraman* are merely stored in a table associated with the system. Presumably, sellers submit information for entry into the tables associated with the system, although *Rajaraman* does not disclose how seller information is entered in the tables.

As another example, *Rajaraman* fails to disclose, teach, or suggest a search interface operable to "communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*" as recited in Claim 1 as amended. As discussed above, there is no disclosure, teaching, or suggestion in *Rajaraman* of "a distributed plurality of seller databases." *Rajaraman* merely discloses searching its GPS index associated with the single product database for terms within its classification hierarchy that match a user's search term. There is no disclosure, teaching, or suggestion in *Rajaraman*

of any search of even one seller database in response to a user query -- just a search of the GPS index. There is certainly no disclosure, teaching, or suggestion of "a plurality of seller databases," let alone communicating "a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*" as recited in Claim 1 as amended.

As another example, *Rajaraman* fails to disclose, teach, or suggest a search interface operable to "*receive, in response to the search query, search results comprising one or more product identifiers (PIDs) that each uniquely identify a particular product in the selected product class, the CID for the selected product class and the PID for a particular product collectively providing a globally unique identifier (GUID) for the particular product,*" as recited in Claim 1 as amended. First, because *Rajaraman* fails to disclose, teach, or suggest communicating the search query as demonstrated above, *Rajaraman* necessarily fails to disclose, teach, or suggest receiving search results "in response to the search query" as recited in Claim 1. Second, while *Rajaraman* mentions classification identifiers, nowhere does *Rajaraman* disclose, teach, or suggest "search results comprising one or more product identifiers (PIDs) that each uniquely identify a particular product in the selected product class," as recited in Claim 1. Thus, *Rajaraman* also necessarily fails to disclose, teach, or suggest "the CID for the selected product class and the PID for a particular product collectively providing a globally unique identifier (GUID) for the particular product," as recited in Claim 1.

Additionally, Applicants again respectfully note that "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. § 2131. Stated another way, "for anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly." M.P.E.P. § 706.02 (emphasis added). In addition, "[t]he elements must be arranged as required by the claim." M.P.E.P. § 2131 (emphasis added) referencing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); see also

Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he **identical invention** must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). As illustrated above, *Rajaraman* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 1, as is required under the M.P.E.P. and governing Federal Circuit cases.

Furthermore, when considering the patentability of a claim, it is essential to view the invention as a whole, taking each element into account as well as the advantages, properties, utilities, and results of the invention. *In re Chupp*, 816 F.2d 643 (Fed. Cir. 1987). As such, Applicants respectfully direct the Examiner to Page 19, Lines 25-27 of Applicants' Specification, which provides, "Since GCD 42 is able to communicate with databases 32 to identify certain products requested by a buyer 20, information about the products categorized in GCD 42 does not have to be stored at GCD 42." The system disclosed in *Rajaraman* could not possibly provide this advantage because *Rajaraman* merely discloses a single product database 201 associated with the system. (See Figure 2)

Moreover, as discussed above with reference to the anticipation rejection of Claim 19 based on *Riordan*, *Riordan* fails to make up for these deficiencies of *Rajaraman*. Furthermore, by amending Claim 1, Applicants do not admit that *Rajaraman* discloses the limitations recited in Claim 1 prior to the amendments presented in the current Response.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least the same reasons, Applicants respectfully request reconsideration and allowance of independent Claims 27 and its dependent claims.

B. Claims 8-18 and 29-30 are Allowable over *Rajaraman*

Independent Claim 8 recites, as amended:

A method for conducting a commercial transaction involving a product, comprising:

communicating a globally unique identifier (GUID) for a particular product to a seller of the particular product, the GUID comprising:

a class identifier (CID) that uniquely identifies at least one product class in which the product is categorized, along with a plurality of other products, within *a class hierarchy of a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from the other seller databases in the distributed plurality of seller databases*, the product class defining one or more attributes of the products categorized in the class; and

a product identifier (PID) that uniquely identifies the particular product from among the plurality of products categorized in the product class uniquely identified by the CID; and

specifying to the seller a desired commercial transaction involving the particular product uniquely identified by the GUID.

Rajaraman, whether considered alone or in combination with the knowledge generally available to those of ordinary skill in the art at the time of invention fails to disclose, teach, or suggest the limitations specifically recited in Claim 8.

For example, *Rajaraman* fails to disclose, teach, or suggest “communicating a globally unique identifier (GUID) for a particular product to a seller of the particular product,” the GUID comprising a class identifier (CID) and a product identifier (PID), as recited in Claim 8. In fact, nowhere does *Rajaraman* disclose, teach, or suggest communicating anything to a seller of a particular product, let alone a GUID for a particular product, as recited in Claim 8. At best, *Rajaraman* discloses linking a customer to a seller’s website to purchase an item found in the single database disclosed in *Rajaraman*. (See FIGURE 1A, stating “When you’ve found what you’re looking for, we take you to the merchant’s site to make your purchase.”) Moreover, it does not appear that the Examiner has even indicated any portions of *Rajaraman* that allegedly disclose “communicating a globally unique identifier (GUID) for a particular product to a seller of the particular product,” the GUID comprising a class identifier (CID) and a product identifier (PID), as recited in Claim 8. (See Office Action, Pages 2-3) This deficiency of *Rajaraman* alone is sufficient to patentably distinguish Claim 8 from *Rajaraman*.

As another example, *Rajaraman* fails to disclose, teach, or suggest “a class identifier (CID) that uniquely identifies at least one product class in which the product is categorized, along with a plurality of other products, within *a class hierarchy of a global content directory for a distributed plurality of seller databases, each seller database being*

associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the product class defining one or more attributes of the products categorized in the class,” as recited in Claim 8, as amended. As discussed above with reference to Claim 1, Figure 2 of *Rajaraman* makes clear that any product data is merely stored in *a single product database 201 associated with the system*. Thus, *Rajaraman* necessarily fails to disclose, teach, or suggest “*a class hierarchy of a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases*,” as recited in Claim 8 as amended.

Additionally, Applicants reiterate the standard for anticipation discussed above. As illustrated above, *Rajaraman* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 8, as is required under the M.P.E.P. and governing Federal Circuit cases. Moreover, as discussed above with reference to the anticipation rejection of Claim 19 based on *Riordan*, *Riordan* fails to make up for these deficiencies of *Rajaraman*. Furthermore, by amending Claim 8, Applicants do not admit that *Rajaraman* discloses the limitations recited in Claim 8 prior to the amendments presented in the current Response.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 8 and its dependent claims. For at least the same reasons, Applicants respectfully request reconsideration and allowance of independent Claims 29 and its dependent claims.

C. Claims 19-26 and 31-32 are Allowable over *Rajaraman*

At a minimum, *Rajaraman* fails to disclose, teach, or suggest at least the following limitations recited in independent Claim 19, as amended:

- a class identifier (CID) that uniquely identifies at least one product class in which the product is categorized, along with a plurality of other products, within a class hierarchy of a global content directory, the product class defining one or more attributes of the products categorized in the class, *the at least one product class being one of a plurality of product classes organized in the class hierarchy, each of the plurality of product classes categorizing a plurality of products and defining one or more attributes of the products categorized in the product class, one or more pointers*

being associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a commercial transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases.

As discussed above with reference to Claim 1, Figure 2 of *Rajaraman* makes clear that any product data is merely stored in *a single product database 201 associated with the system*. Thus, *Rajaraman* necessarily fails to disclose, teach, or suggest “*the at least one product class being one of a plurality of product classes organized in the class hierarchy, each of the plurality of product classes categorizing a plurality of products and defining one or more attributes of the products categorized in the product class, one or more pointers being associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a commercial transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*” as recited in Claim 19 as amended.

Additionally, Applicants reiterate the standard for anticipation discussed above. As illustrated above, *Rajaraman* fails to disclose, either expressly or inherently, each and every limitation recited in Claim 19, as is required under the M.P.E.P. and governing Federal Circuit cases. Moreover, as discussed above with reference to the anticipation rejection of Claim 19 based on *Riordan*, *Riordan* fails to make up for these deficiencies of *Rajaraman*. Furthermore, by amending Claim 19, Applicants do not admit that *Rajaraman* discloses the limitations recited in Claim 19 prior to the amendments presented in the current Response.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 19 and its dependent claims. For at least the same reasons, Applicants respectfully request reconsideration and allowance of independent Claims 31 and its dependent claims.

III. Claims 14-18 are Allowable over the Proposed *Rajaraman-Riordan* Combination

The Examiner rejects Claims 14-18 under 35 U.S.C. § 103(a) as being unpatentable over *Rajaraman* in view of *Riordan*. Claims 14-18 depend from independent Claim 8, which Applicants have shown above to be clearly allowable even if *Rajaraman* is combined with *Riordan*, and are allowable for at least this reason. Furthermore, Claims 14-18 recite further patentable distinctions over the proposed *Rajaraman-Riordan* combination. To avoid burdening the record and in view of the clear allowability of independent Claim 8, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Furthermore, Applicants do not admit that the proposed combination of *Rajaraman* and *Riordan* is possible or that the Examiner has demonstrated the required teaching, suggestion, or motivation to combine these references. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 14-18.

IV. Claims 19-26 and 31-32 Comply with 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 19-26 and 31-32 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner states that the “independent claims are directed to a product which is not further defined” and that the “identifiers are not a product.” (Office Action, Page 4) Applicants respectfully traverse this rejection.

The essential inquiry pertaining to this requirement is whether the claims set forth subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (a) the content of the specification; (b) the teachings of the prior art; and (c) the claim interpretation that would be given by one possessing ordinary skill in the art at the time the invention was made. M.P.E.P. § 2173.02. Furthermore, the test for indefiniteness under Section 112, second paragraph, is whether “those skilled in the art would understand what is claimed *when the claim is read in light of the specification.*” M.P.E.P. §2173.02 (citing *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986)) (emphasis added).

First, Applicants respectfully submit that those of ordinary skill in the art would understand “a product,” as recited in Claim 19 for example. Second, Applicants respectfully

direct the Examiner's attention to at least Page 8, Lines 24-28 of the Specification, which provide an example description of "product." Third, although Applicants believe Claims 19 and 31 complied with 35 U.S.C. § 112, second paragraph, prior to the amendments made in this Response, Applicants have amended Claims 19 and 32 such that the preambles of these claims recite "the GUID comprising" rather than a "product . . . comprising."

For at least these reasons, Applicants respectfully submit that Claims 19-26 and 31-32 comply with 35 U.S.C. § 112, second paragraph. Applicants respectfully request reconsideration and allowance of Claims 19-26 and 31-32.

V. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the *Riordan* and *Rajaraman* references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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